

IH-32

Rev: 2014-1

United States District Court
for the
Southern District of New York
Related Case Statement

Full Caption of Later Filed Case:

American University of Antigua College of
Medicine

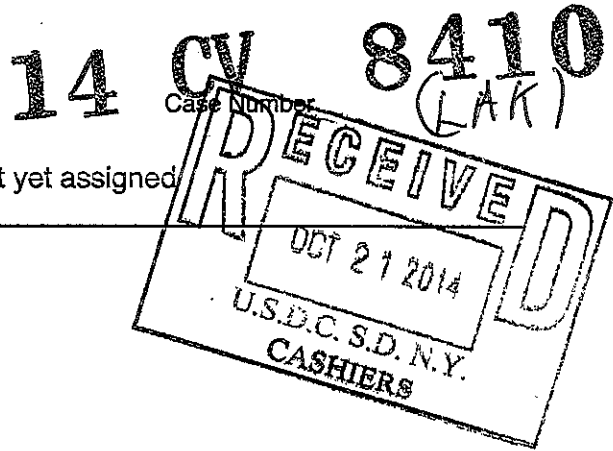
Plaintiff

vs.

Leeward Construction Company, Ltd

Defendant

Not yet assigned



Full Caption of Earlier Filed Case:

(including in bankruptcy appeals the relevant adversary proceeding)

Leeward Construction Company, Ltd

Plaintiff

vs.

American University of Antigua College of
Medicine and Manipal Education
Americas, LLC f/k/a GCLR, LLC.

Defendant

Case Number

12 CV 06280 LAK/GWG

IH-32

Rev: 2014-1

Status of Earlier Filed Case:



Closed

(If so, set forth the procedure which resulted in closure, e.g., voluntary dismissal, settlement, court decision. Also, state whether there is an appeal pending.)



Open

(If so, set forth procedural status and summarize any court rulings.)

In the earlier filed case, the petitioner therein, Leeward Construction Company, Ltd (hereinafter "Leeward"), sought confirmation of an arbitration award in its favor and against American University of Antigua College of Medicine (hereinafter "AUACOM"). The award was the product of an international arbitration involving the same construction project and contract as is involved in the instant proceeding in which AUACOM now seeks to have a subsequent arbitration award in its favor and against Leeward confirmed and judgment in AUACOM's favor in the amount of the award entered. The District Court in the earlier filed case granted Leeward's petition and entered a money judgment in Leeward's favor in the amounts specified in the earlier arbitration award. AUACOM has appealed the District Court's decision and judgment. The appeal is pending. AUACOM has not yet perfected the appeal because the parties and the Court of Appeals have agreed to extend AUACOM's time. Explain in detail the reasons for your position that the newly filed case is related to the earlier filed case.

As above stated, the earlier filed case involves the same parties, the same construction project (the construction of the principal building for AUACOM's school) and the same construction contract between the parties. Moreover, the appeal in the instant action remains pending solely in large part in order to protect AUACOM's right of set off against Leeward on its claims that have given rise to the award that AUACOM seeks to have this court now confirm.

In the later arbitration between the parties herein, the principal response of Leeward to AUACOM's defenses against Leeward's claims and its principal defense to AUA's counterclaims was that AUA's defenses and counterclaims were barred by the doctrine of res judicata, waiver and estoppel because they were not raised by AUACOM in the earlier arbitration.

Signature: _____

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Date: 10/17/2014

Firm: _____